

SPECIAL CIVIL APPLICATION No 1480 of 1998

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made

MOHANLAL RAMBHAI PATEL

STATE OF GUJARAT

M/S THAKKAR ASSOC. for Petitioner  
MR.HH PATEL, AGP. for Respondent No. 1  
MR JAYANT PATEL for Respondent No. 2

Date of decision: 25/10/1999

Rule. Mr.H.H.Patel and Mr.Jayant Patel, learned  
Advocates waives service for the respective parties. With

the consent of the parties the matter is taken up for final hearing.

The petitioner claiming to be a freedom fighter made an application for pension under Swantra Saineeek Samman Pension Scheme, 1980. The petitioner has not undergone any imprisonment during freedom struggle but according to him, he remained underground though detention order was issued against him. His application has been rejected by the Government by its order dated 18.3.1997 on the ground that he has not produced acceptable evidence in support of his case that he participated in the freedom struggle and suffered imprisonment. According to the petitioner though detention order was issued against him, he remained underground and that he is eligible to receive the pension under the scheme. In the circumstances, without going into the question of eligibility, it will be proper to direct the petitioner to make a fresh application for pension to the authorities with documents in support of his case. As and when such application is made the State Government shall take decision in accordance with law within two months and shall forward the same to the Central Government immediately. Thereafter, the Central Government shall take decision within two months of the receipt of the communication from the State Government. Rule made absolute accordingly.

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m.m.bhatt